

CHAPTER 51
COVERAGE AND EXCLUSIONS

[Prior to 11/5/86, Merit Employment Department[570]]
[Prior to 1/21/04, see 581—Ch 2]

11—51.1(8A) State personnel system. The state personnel system shall include and apply to all positions in the executive branch of state government, except those specifically excluded by law.

11—51.2(8A) Merit system. The merit system shall include and apply to those positions in the state personnel system which have been determined by the director to be covered by the provisions of 2003 Iowa Code Supplement section 8A.411 as it pertains to qualifications, examinations, probation, and just cause discipline and discharge hearings, hereafter referred to as merit system provisions. Whenever the director determines that a position should be covered by or not covered by merit system provisions, the director shall notify the appointing authority in writing of the decision and the effective date.

51.2(1) *Exclusion of division administrators and policy-making positions.* The appointing authority of each agency shall submit to the director for approval the position number and title of each position referred to in 2003 Iowa Code Supplement section 8A.412, proposed for exclusion from coverage by the merit system provisions referred to in 2003 Iowa Code Supplement section 8A.411(4). Subsequent changes in the number or duties of these positions shall be submitted to the director for exclusion approval.

51.2(2) *Exclusion of confidential employees.* Confidential employees excluded from coverage by merit system provisions shall be as provided for in 11—Chapter 50.

51.2(3) *Other exclusions.* For further information regarding exclusions from merit system coverage, refer to 2003 Iowa Code Supplement section 8A.412.

11—51.3(8A) Confidential collective bargaining exclusion. An appointing authority may request the director to exclude a position in a class covered by a collective bargaining agreement from coverage by that agreement based upon the definition of a confidential employee in these rules. The request shall be submitted to the director in writing and include the reasons why the position should be excluded. The director shall notify the appointing authority of the decision.

Whenever a position in a class covered by a collective bargaining agreement has been excluded by the director under this rule, the employee in the position shall be subject to these rules.

11—51.4(8A) Personnel services contracts. Individuals providing services to the state pursuant to an authorized fee-for-services contract, including persons supplied by a temporary employment service, are not employees of the state. Persons providing services under this rule who are determined to have a common law employer-employee relationship with the state may, however, be subject to withholding for certain taxes, social security, Medicare, and federal unemployment taxes under the Federal Unemployment Tax Act.

These rules are intended to implement 2003 Iowa Code Supplement section 8A.413 and Iowa Code chapters 19B and 70A.

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**See IAB Personnel Department